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SOUTHERN DISTRICT OF CALIFORNIA

BY:

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIAJuly 2007 Grand Jury **'08 CR 0509** **BEN**

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|----|-------------------------------|---|-----------------------------------|
| 11 | UNITED STATES OF AMERICA, |) | Criminal Case No. _____ |
| 12 | Plaintiff, |) | <u>I N D I C T M E N T</u> |
| 13 | v. |) | Title 21, U.S.C., Secs. 846 and |
| 14 | JESUS MACIAS (1), |) | 841(a)(1) - Conspiracy to |
| | aka Jessie, |) | Distribute Oxycodone and |
| 15 | JOSE JESUS PERUCH SAENZ (2), |) | Hydrocodone Bitartrate; Title 21, |
| | aka George, |) | U.S.C., Sec. 841(a)(1) - |
| 16 | aka G Unit, |) | Distribution of Oxycodone and |
| 17 | JUAN ERNESTO MACIAS, JR. (3), |) | Hydrocodone Bitartrate; Title 21, |
| | aka Johnny, |) | U.S.C., Sec. 841(a)(1) - |
| 18 | ISABEL QUISTIAN, III (4), |) | Possession with Intent to |
| | Defendants. |) | Distribute Oxycodone and |
| 19 | |) | Hydrocodone Bitartrate; Title 18, |
| 20 | |) | U.S.C., Sec. 2 - Aiding and |
| | |) | Abetting; Title 21, U.S.C., |
| | |) | Secs. 853(a), and 853(p) - |
| | |) | Criminal Forfeiture |

The grand jury charges:

INTRODUCTORY ALLEGATIONS

At all times pertinent to this Indictment:

1. Oxycodone was a Schedule II Controlled Substance that cannot be legally sold or distributed without a proper medical prescription.
2. Hydrocodone bitartrate was a Schedule III Controlled Substance that cannot be legally sold or distributed without a proper medical prescription.

TFS:nlv(2):San Diego
2/22/08*lvet*

3. Defendant JESUS MACIAS, aka Jessie, was a pharmacy technician at Galloway Pharmacy in San Diego and is not licensed to distribute controlled substances to anyone.

4. Defendant JOSE JESUS PERUCH SAENZ, aka George, aka G Unit, was a pharmacy technician at Galloway Pharmacy in San Diego who is in charge of ordering pharmaceuticals, including oxycodone and hydrocodone bitartrate. Defendant JOSE JESUS PERUCH SAENZ is not licensed to distribute controlled substances to anyone.

Count 1

CONSPIRACY TO DISTRIBUTE OXYCODONE AND HYDROCODONE BITARTRATE

[21 U.S.C. §§ 846 and 841(a)(1) and 18 U.S.C. § 2]

5. The Introductory Allegations contained at paragraphs 1 through 4 above are hereby re-alleged and restated.

THE MANNER AND MEANS OF THE CONSPIRACY

In furtherance of this conspiracy and to effect the objects thereof, defendants JESUS MACIAS, aka Jessie, JOSE JESUS PERUCH SAENZ, aka George, aka G Unit, JUAN ERNESTO MACIAS, JR., aka Johnny, and ISABEL QUISTIAN, III, and others known and unknown to the grand jury, utilized the following manner and means among others:

6. Defendant JESUS MACIAS, aka Jessie, used his position as a pharmacy technician to obtain and sell distributable quantities of oxycodone and hydrocodone bitartrate. Defendant JESUS MACIAS, aka Jessie, distributed oxycodone and hydrocodone bitartrate to defendants JUAN ERNESTO MACIAS, JR., aka Johnny, ISABEL QUISTIAN, III, and others known and unknown to the grand jury for further distribution.

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1 7. Defendant JOSE JESUS PERUCH SAENZ, aka George, aka G Unit,
2 used his position as a pharmacy technician to order, obtain, and sell
3 distributable quantities of oxycodone and hydrocodone bitartrate.
4 Defendant JOSE JESUS PERUCH SAENZ, aka George, aka G Unit, ordered and
5 obtained distributable quantities of oxycodone and hydrocodone
6 bitartrate for defendant JESUS MACIAS, aka Jessie, and others known
7 and unknown to the grand jury for further distribution.

8 8. Defendant JUAN ERNESTO MACIAS, JR., aka Johnny, received
9 distributable quantities oxycodone and hydrocodone bitartrate from
10 defendant JESUS MACIAS, aka Jessie, and sold oxycodone and hydrocodone
11 bitartrate to others for further distribution.

12 9. Defendant ISABEL QUISTIAN, III received distributable
13 quantities oxycodone and hydrocodone bitartrate from defendants JESUS
14 MACIAS, aka Jessie, and JUAN ERNESTO MACIAS, JR., aka Johnny, for
15 further distribution.

16 CONSPIRACY TO DISTRIBUTE OXYCODONE AND HYDROCODONE BITARTRATE

17 10. Beginning on a date unknown to the grand jury and continuing
18 up to the date of this Indictment, within the Southern District of
19 California, and elsewhere, defendants JESUS MACIAS, aka Jessie, JOSE
20 JESUS PERUCH SAENZ, aka George, aka G Unit, JUAN ERNESTO MACIAS, JR.,
21 aka Johnny, and ISABEL QUISTIAN, III, did knowingly and intentionally
22 conspire together with each other and with other persons known and
23 unknown to the grand jury to distribute oxycodone tablets, a
24 Schedule II Controlled Substance, and hydrocodone bitartrate tablets,
25 a Schedule III controlled substance; in violation of Title 21, United
26 States Code, Sections 846 and 841(a)(1), and Title 18, United States
27 Code, Section 2.

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Count 2

DISTRIBUTION OF OXYCODONE AND HYDROCODONE BITARTRATE

[21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

11. The Introductory Allegations contained at paragraphs 1 through 4, and the Manner and Means at paragraphs 6 to 9 are hereby re-alleged and restated.

12. On or about July 27, 2007, within the Southern District of California, defendants JESUS MACIAS, aka Jessie, JOSE JESUS PERUCH SAENZ, aka George, aka G Unit, JUAN ERNESTO MACIAS, JR., aka Johnny, did knowingly and intentionally distribute approximately 200 oxycodone tablets (approximately 16 grams of oxycodone), a Schedule II Controlled Substance, and approximately 1,018 hydrocodone bitartrate tablets, a Schedule III Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

Count 3

DISTRIBUTION OF OXYCODONE AND HYDROCODONE BITARTRATE

[21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

13. The Introductory Allegations contained at paragraphs 1 through 4, and the Manner and Means at paragraphs 6 to 9 are hereby re-alleged and restated.

14. On or about September 29, 2007, within the Southern District of California, defendants JESUS MACIAS, aka Jessie, JOSE JESUS PERUCH SAENZ, aka George, aka G Unit, and JUAN ERNESTO MACIAS, JR., aka Johnny, did knowingly and intentionally distribute approximately 200 oxycodone tablets (approximately 16 grams of oxycodone), a Schedule II Controlled Substance, and approximately 4,000 hydrocodone bitartrate tablets, a Schedule III Controlled Substance; in violation

1 of Title 21, United States Code, Section 841(a)(1), and Title 18,
2 United States Code, Section 2.

3 Count 4

4 DISTRIBUTION OF OXYCODONE AND HYDROCODONE BITARTRATE

5 [21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

6 15. The Introductory Allegations contained at paragraphs 1
7 through 4, and the Manner and Means at paragraphs 6 to 9 are hereby
8 re-alleged and restated.

9 16. On or about October 7, 2007, within the Southern District
10 of California, defendants JESUS MACIAS, aka Jessie, JOSE JESUS PERUCH
11 SAENZ, aka George, aka G Unit, and JUAN ERNESTO MACIAS, JR.,
12 aka Johnny, did knowingly and intentionally distribute approximately
13 300 oxycodone tablets (approximately 24 grams of oxycodone), a
14 Schedule II Controlled Substance, and approximately 3,000 hydrocodone
15 bitartrate tablets, a Schedule III Controlled Substance; in violation
16 of Title 21, United States Code, Section 841(a)(1), and Title 18,
17 United States Code, Section 2.

18 Count 5

19 POSSESSION WITH INTENT TO DISTRIBUTE OXYCODONE AND

20 HYDROCODONE BITARTRATE

21 [21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

22 17. The Introductory Allegations contained at paragraphs 1
23 through 4, and the Manner and Means at paragraphs 6 to 9 are hereby
24 re-alleged and restated.

25 18. On or about October 7, 2007, within the Southern District
26 of California, defendant ISABEL QUISTIAN, III, did knowingly and
27 intentionally possess with intent to distribute approximately
28 300 oxycodone tablets (approximately 24 grams of oxycodone), a

1 Schedule II Controlled Substance, and approximately 3,000 hydrocodone
2 bitartrate tablets, a Schedule III Controlled Substance; in violation
3 of Title 21, United States Code, Section 841(a)(1), and Title 18,
4 United States Code, Section 2.

5 Count 6

6 DISTRIBUTION OF OXYCODONE AND HYDROCODONE BITARTRATE

7 [21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

8 19. The Introductory Allegations contained at paragraphs 1
9 through 4, and the Manner and Means at paragraphs 6 to 9 are hereby
10 re-alleged and restated.

11 20. On or about October 12, 2007, within the Southern District
12 of California, defendants JESUS MACIAS, aka Jessie, JOSE JESUS PERUCH
13 SAENZ, aka George, aka G Unit, and JUAN ERNESTO MACIAS, JR.,
14 aka Johnny, did knowingly and intentionally distribute approximately
15 400 oxycodone tablets (approximately 32 grams of oxycodone), a
16 Schedule II Controlled Substance, and approximately 2,000 hydrocodone
17 bitartrate tablets, a Schedule III Controlled Substance; in violation
18 of Title 21, United States Code, Section 841(a)(1), and Title 18,
19 United States Code, Section 2.

20 Count 7

21 DISTRIBUTION OF OXYCODONE

22 [21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

23 21. The Introductory Allegations contained at paragraphs 1
24 through 4, and the Manner and Means at paragraphs 6 to 9 are hereby
25 re-alleged and restated.

26 22. On or about December 3, 2007, within the Southern District
27 of California, defendants JESUS MACIAS, aka Jessie, JOSE JESUS PERUCH
28 SAENZ, aka George, aka G Unit, and JUAN ERNESTO MACIAS, JR.,

1 aka Johnny, did knowingly and intentionally distribute approximately
2 300 oxycodone tablets (approximately 24 grams of oxycodone), a
3 Schedule II Controlled Substance in violation of Title 21, United
4 States Code, Section 841(a)(1), and Title 18, United States Code,
5 Section 2.

6 Count 8

7 DISTRIBUTION OF OXYCODONE

8 [21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

9 23. The Introductory Allegations contained at paragraphs 1
10 through 4, and the Manner and Means at paragraphs 6 to 9 are hereby
11 re-alleged and restated.

12 24. On or about January 23, 2008, within the Southern District
13 of California, defendants JESUS MACIAS, aka Jessie, JOSE JESUS PERUCH
14 SAENZ, aka George, aka G Unit, and JUAN ERNESTO MACIAS, JR.,
15 aka Johnny, did knowingly and intentionally distribute approximately
16 200 oxycodone tablets (approximately 16 grams of oxycodone), a
17 Schedule II Controlled Substance; in violation of Title 21, United
18 States Code, Section 841(a)(1), and Title 18, United States Code,
19 Section 2.

20 FORFEITURE ALLEGATIONS

21 1. The allegations contained in Counts 1 through 8 are
22 realleged and by reference fully incorporated herein for the purpose
23 of alleging forfeiture to the United States of America.

24 2. As a result of the commission of the felony offenses alleged
25 in Counts 1 through 8 said violations being punishable by imprisonment
26 for more than one year, and pursuant to Title 21, United States Code,
27 Section 853(a)(1), defendants JESUS MACIAS, JOSE JESUS PERUCH SAENZ,
28 JUAN ERNESTO MACIAS, JR., and ISABEL QUISTIAN, III shall, upon

1 conviction forfeit to the United States, all rights, title, and
2 interest in any and all property obtained directly or indirectly as
3 a result of said violations. All in violation of Title 21, United
4 States Code, Section 853.

5 3. As a result of the commission of the felony offenses alleged
6 in Counts 1 through 8, said violation being punishable by imprisonment
7 for more than one year, and pursuant to Title 21, United States Code,
8 Section 853(a)(2), defendants JESUS MACIAS, JOSE JESUS PERUCH SAENZ,
9 JUAN ERNESTO MACIAS, JR., and ISABEL QUISTIAN, III shall, upon
10 conviction forfeit to the United States, all rights, title, and
11 interest in any and all property used, or intended to be used, in any
12 manner or part, to commit, or to facilitate the commission of the
13 violations alleged in Counts 1 through 8 of this Indictment. All in
14 violation of Title 21, United States Code, Section 853.

15 4. If any of the above-described forfeitable property, as a
16 result of any act or omission of the defendants -

- 17 (1) cannot be located upon the exercise of due diligence;
18 (2) has been transferred or sold to, or deposited with, a
19 third person;
20 (3) has been placed beyond the jurisdiction of the Court;
21 (4) has been substantially diminished in value; or
22 (5) has been commingled with other property which cannot
23 be subdivided without difficulty;

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1 it is the intent of the United States, pursuant to Title 21, United
2 States Code, Section 853(p), and Title 18, United States Code,
3 Section 982(b), to seek forfeiture of any other property of the
4 defendants up to the value of said property listed above as being
5 subject to forfeiture.

6 DATED: February 22, 2008.


7 A TRUE BILL:

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9

Foreperson

10 KAREN P. HEWITT
11 United States Attorney

12
13 By:


14 TIMOTHY F. SALEL
Assistant U.S. Attorney